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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Harry E. Gruber

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01/13/2006

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EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/782,722	Applicant(s) GRUBER ET AL.	
	Examiner Siegfried E. Chencinski	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,28-39 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25,28-39 and 42-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/25/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. Applicant's submission of an IDS on April 25, 2005 contains 14 of 15 references which are already on the record without explaining the purpose of these duplicate submissions into the record. These duplicate references were introduced into the record by the examiner as a part of the last Office action. Such IDS submissions are moot. Only IDS submissions which are new to the prosecution record of the instant application will be acknowledged by The duplicate submissions into the record are a purposeless burden in the prosecution of the application in question. It is noted that Applicant has been maintaining this practice during the year 2005 in several instances involving a number of Applicant's applications in a state of active prosecution by the Office. It would be appreciated if Applicant would eliminate this unproductive practice.

Abstract

2. The abstract of the disclosure is objected to because it is too long. The abstract n an application filed under 35 U.S.C. 111 may not exceed 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 4-19, 42 and 46-48 are rejected** under 35 U.S.C. 103(a) as being unpatentable over "INERTNET ARCHIVE WAYBACKMACHINE" @ "www.archive.org/web/web.php " Searched for "igive.com" and selected 14 web pages created in Nov 10, 2000 by "igive.com" and hereafter reference "igive.com" .

With regard to claim 1, igive.com teaches a method for soliciting charitable donation, the method comprising the steps of:

- hosting a website having information about a fundraising campaign, or an organization (SEE igive.com page #2 "**What if?...up to 12% of each purchase you made went to a worthy cause close to home?**" * add your favorite cause to our list * or **choose from 12180 already listed ... Its Working!** * \$776,875.89 raised for causes. * \$278,353.36 raised for causes just this year! * View the list of checks sent to causes),
- providing one or more electronic catalogs, listing one or more items or events that are available for purchase by online shoppers through the website (SEE igive.com page #3 "mall directory" and page #13 "Cooking & Cookware" ... Cooking.com - Cookware, cookbooks, tools, cutlery - - everything for the home chef... Chefs Catalog.com –The leading **catalog** retailer of high-end, top-quality kitchenware for professional and home chefs alike);
- receiving an order from an online shopper purchasing one or more selected items; and
- providing one or more suggestions on the amount of donation, the suggestions intended to encourage and motivate a shopper to make a donation (SEE igive.com page #2 "**What if?... up to 12% of each purchase you made went to a worthy cause close to home?**" "**Its Working!** * \$776,875.89 raised for causes. * \$278,353.36 raised for causes just this year! * View the list of checks sent to causes" and further SEE page #5 "Good News You Can Use" . . . "WALNUT AVENUE WOMEN'S CENTER (Santa Cruz, CA) "WE buy groceries to feed the battered women and their children who seek shelter and safety at our center. **We need and appreciate your continued support**" –Jennifer Obrien"),

With regard to claims 4-6, igive.com does not illustrate the method step of providing information about the amount of money the fundraising campaign intends

to raise and the plans regarding the amount raised and further comprising the step of suggesting a donation amount that will allow the charity to reach its goals further comprising the step of providing information about the average amount of donation from prior donors. However examiner declares OFFICIAL NOTICE that such routine information was commonly provided by the charity to the donor and as a means educating the donor of the cause and extent of need as a means of motivating the donor to give the right amount.

With regard to claims 7 and 8, igive.com does not illustrate the method step of providing reviews written by prior donors about the charitable causes and their donations and allowing donors to write reviews about the charitable cause and their donation. However examiner declares OFFICIAL NOTICE that such reviews were commonly done and requested by charity as a means of educating the donor of the cause and extent of need as a means of motivating the donor to give the right amount.

With regard to claim 9, igive.com teaches the method step of identifying the geographic location of a donor (during the registration process it is inherent that the donor provides his home address for billing and delivery and the home address given has an inherently known geographic location).

With regard to claim 10, igive.com teaches the method step of providing information about charitable activities in the donor's location (SEE igive.com page #5 "Good News You Can Use" . . . "WALNUT AVENUE WOMEN'S CENTER (**Santa Cruz, CA**) "WE buy groceries to feed the battered women and their children who seek shelter and safety at our center. We need and appreciate your continued support" — Jennifer Obrien" wherein all the people living in Santa Cruz will like hearing about this).

With regard to claims 11 and 12, igive.com teaches the method step of providing a record of the donor's prior donation history and donor's prior donation amount (SEE igive.com page # 10 "As a member, you have access to timely reports of your earnings and all funds distributed to your cause").

With regard to claim 13, igive.com discloses the step of suggesting a donation

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amount that is a predetermined percentage of the total amount of purchase (SEE igive.com page 13 "10.0 % for your cause")

With regard to claim 14, igive.com discloses the method step of providing information about the amount of donation made by the donor's friends, family or co-workers (It is inherent that all people are provided the same level of service at igive.com).

With regard to claims 15-17, igive.com discloses a method wherein the organization is a charitable organization, a political action committee or a political organization (SEE igive.com page # 2 * add your favorite cause to our list page 4 * you can list **ANY cause**, large or small).

With regard to claim 18, igive.com discloses the method step of providing a report having tax related information, the report including the amount of charitable donation and the amount that is tax deductible. (SEE igive.com page # 10 "** You choose the cause that receives your donation. We provide you with information supplied by the cause as to the tax deductibility of the donations made to that cause")

With regard to claim 19, igive.com discloses the method step of e-mailing the report to the donor (SEE igive.com page #2 "join for free with your e-mail address" and one is motivated to use e-mail because it's the low cost way to send reports.)

With regard to claim 42, igive.com discloses the method step of providing one or more suggestions on the amount of donation (igive.com was found above in claim 1 to read on this limitation).

With regard to claim 46, igive.com provides a method for soliciting charitable donation, the method comprising the steps of:

- hosting a website having one or more catalogs of items for purchase by online shoppers (igive.com was found above in claims 1-19 to read on these limitations);
- providing one or more suggestions on the amount of a donation to a charitable cause, the suggestions intended to encourage and motivate a shopper to make a donation (igive.com was found above in claims 1-19 to read on these limitations).

With regard to claim 47, igive.com provides a method for soliciting charitable donation, the method comprising the steps of;

- hosting a website having one or more catalogs of items for purchase by online shoppers (igive.com was found above in claims 1-19 to read on these limitations);
- providing information regarding one or more charities to an online shopper on the website, the information intended to intelligently encourage the online shopper to make a charitable donation (igive.com was found above in claims 1-19 to read on these limitations);

With regard to claim 48 igive.com provides a method for soliciting charitable donation, the method comprising the steps of

- hosting a website having one or more catalogs of items for purchase by online shoppers (igive.com was found above in claims 1-19 to read on these limitations);
- determining a geographical location of an online shopper (igive.com was found above in claims 1-19 to read on these limitations); and
- providing information regarding one or more charities to the online shopper based on the step of determining the geographical location of the online shopper (igive.com was found above in claims 1-19 to read on these limitations).

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over "INERTNET ARCHIVE WAYBACKMACHINE" @ "www.archive.org/web/web.php" Searched for "igive.com" and selected 14 web pages created in Nov 10, 2000 by "igive.com" and hereafter reference "igive.com" in view of David King. , "SOLICITING VIRTUAL MONEY", Library Journal. New York: Fall 2000. pg. 39, 3 pgs teaches.

With regard to claims 2 and 3, igive.com does not illustrate the method step of displaying one or more virtual plaques honoring donors and the step of updating the virtual plaques when a donation is made.

King discloses this above feature (SEE King page 40 "The goal of

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cyberplaquing, also known as **electronic plaguing** or electronic recognition, is quite simply recognition. The concept of memorializing or honoring a special friend or benefactor of the organization has been around awhile. Naming a wing or room of a building is one form; those making more modest donations may have their names placed on an entryway wall or even individual items of furniture. **Cvberplaquing** is **nothing more than providing that recognition** in an online **environment**. Moreover, rather than just giving a name and date, with a cyberplaque, historical information about a company or a biography about the person can be provided. **Different levels of donations** may earn **differing levels of recognition**, including perhaps pictures of donors, dedications, testimonials, and in-depth information. Benefactors have an "online brag sheet" of sorts, which can be used to **encourage** their friends and colleagues to match their own contributions. The University of Pennsylvania Library has done a fantastic job of honoring benefactors with cyberplaques. Currently, eight **cvberplaque pages** are linked from the "Individual Benefactors" pages of the Friends of the Library web site. Each cyberplaque gives background information on the benefactor-usually a short list of that persons major achievements. Information about the gift is also given, whether it was money or a rare collection. If a rare collection has been given, the collection is described in detail. If a room or building has been named in honor of the person, the room/buildings use is explained. Penn's cyberrecognition doesn't stop with individuals. Reunion classes, corporations, and foundations are also listed. For example, the class of 1968 has a cyberplaque describing the new reference center the alumni helped fund. ")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the igive.com method to clearly add the additional step of "displaying one or more virtual plaques honoring donors" as taught by King because King teaches motivation "Benefactors have an "online brag sheet" of sorts, which can be used to **encourage** their friends and colleagues to match their own contributions."

5. **Claims 20, 21, 24-39 and 43-45 are rejected** under 35 U.S.C. 103(a) as being unpatentable over "INERTNET ARCHIVE WAYBACKMACHINE" @ "www.archive.org/web/web.php " Searched for "igive.com" and selected 14 web pages created in Nov 10, 2000 by "igive.com" and hereafter reference "igive.com" in view of Rau et al. (U.S. 2001/0007099).

With regard to claim 20, igive.com was shown above in claim 1 to already read on most of these broadly recited features of claim 20 and in addition igive.com discloses providing information regarding one or more charities, the information **intended** to encourage and motivate shoppers to make a charitable donation (SEE igive.com page #5 "Good News You Can Use" ... "WALNUT AVENUE WOMEN'S CENTER (Santa Cruz, CA) "WE buy groceries to feed the battered women and their children who seek shelter and safety at our center. We **need and appreciate your continued support**" —Jennifer Obrien"), providing billing information (SEE igive.com page #13 wherein igive.com reference does not directly illustrate "providing billing information" but such a broadly claimed feature would have been clearly anticipated because it is essential that vendors get paid for their product or they will go out of business). With further regard to the above well known feature , "**adding the selected items to a shopping cart**" Rau et al. clearly teaches it (SEE Rau et al. section [0068] "**FIG. 9** is a flow chart of another feature of the invention which may be implemented in conjunction with the embodiments described above. In this example, described here with reference to FIG. 9, **a gift certificate account has been established in the shopping cart for a user**. When the user makes a purchase, the shopping cart calculates the new balance as the total available funds less the purchase amount (step 900). The shopping cart then checks to see whether the balance has reached a pre-programmed minimum amount (step 910). If not, the routine is terminated. However, if the minimum has been reached, the shopping cart sends a query to the user's computer **asking whether the user wishes to donate the remaining funds or a portion thereof to charity (step 920)**. If the user indicates that he wishes to make a donation, the shopping cart displays a selection of charity organizations for the user to make a selection (step 930). When

the **user selects the charity organization**, the shopping cart processes the donation in a similar manner to a purchase transaction, e.g., deducting the donation amount from the user's account, generating a payment transaction to the charity, etc. (step 940). Additionally, the **shopping cart generates a tax deduction receipt and sends it to the user via, for example, email, fax, or regular mail** (step 950)").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the igive.com method to clearly add the additional step of "adding the selected items to a shopping cart" as taught by Rau et al. because his Rau et al. abstract provides motivation ; "A method and apparatus creating and managing an electronic shopping cart enabling a user to shop at various merchants web sites are described" ... "The apparatus and method enable the creation of a central shopping cart without the need for a pre-arrangement with the merchants." And also section [0068] teaches "a gift certificate account has been established in the shopping cart for a user" further this shopping cart provides additional ways to make a donation of direct cash from your gift certificate to a charity and then receive a tax deduction receipt via email.

With regard to claims 21, 24-39 and 43-45, igive.com was found above in claims 1-19 to read on these limitations.

6. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of "INTERNET ARCHIVE WAYBACKMACHINE" @ "www.archive.org/web/web.php " Searched for "igive.com" and selected 14 web pages created in Nov 10, 2000 by "igive.com" and hereafter reference "igive.com" and Rau et al. (U.S. 2001/0007099) in further view of David King. , "SOLICITING VIRTUAL MONEY", Library Journal. New York: Fall 2000. pg. 39, 3 pgs

With regard to claims 22 and 23, the combination of igive.com and Rau et al. does not illustrate the method step of displaying one or more virtual plaques honoring donors and the step of updating the virtual plaques when a donation is made. King discloses this above feature (SEE King page 40 "The goal of **cyberplaquing**, also known as **electronic plaquing** or electronic recognition, is quite simply recognition.

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The concept of memorializing or honoring a special friend or benefactor of the organization has been around awhile. Naming a wing or room of a building is one form; those making more modest donations may have their names placed on an entryway wall or even individual items of furniture. **Cyberplaquing is nothing more than providing that recognition in an online environment.** Moreover, rather than just giving a name and date, with a cyberplaque, historical information about a company or a biography about the person can be provided. **Different levels of donations may earn differing levels of recognition, including perhaps pictures of donors, dedications, testimonials, and in-depth information.** Benefactors have an "online brag sheet" of sorts, which can be used to **encourage** their friends and colleagues to match their own contributions. The University of Pennsylvania Library has done a fantastic job of honoring benefactors with cyberplaques. Currently, eight **cyberplaque pages** are linked from the "Individual Benefactors" pages of the Friends of the Library web site. **Each cyberplaque gives background information on the benefactor-usually a short list of that persons major achievements.** Information about the gift is also given, whether it was money or a rare collection. If a rare collection has been given, the collection is described in detail. If a room or building has been named in honor of the person, the room/buildings use is explained. Penn's cyberrecognition doesn't stop with individuals. Reunion classes, corporations, and foundations are also listed. For example, the class of 1968 has a cyberplaque describing the new reference center the alumni helped fund.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of igive.com and Rau et al. method to clearly add the additional step of "displaying one or more virtual plaques honoring donors" as taught by King because King teaches motivation "Benefactors have an "online brag sheet" of sorts, which can be used to **encourage** their friends and colleagues to match their own contributions."

Response to Arguments

7. Applicant's arguments filed June 16, 2005 have been fully considered but they are not persuasive.

ARGUMENT A.

Re. claim 1 as exemplary: "Igive.com fails to teach or suggest at least this feature (per claim 1 (d)– "providing one or more suggestions on the amount of donation, the suggestions intended to encourage and motivate a shopper to make a donation") of the claimed invention" (p. 10, l. 9).

RESPONSE A:

Applicant admits that Igive.com does take steps to encourage or suggest a donation amount by disclosing that up to 12% are donated to charity, and by providing the totals raised by the web enterprise (p. 10, ll. 17-19). These may not be aggressive enough measures for Applicant, but their obvious purpose of disclosure is to motivate and suggest a donation, and a donation amount as a percentage of purchase value. What Applicant has disclosed in the specification but is not claimed is not at issue here, but only what is in the claims. Therefore, as stated in the rejections of the last Office action and above in this Office action, igive.com has disclosed "providing one or more suggestions on the amount of donation, the suggestions intended to encourage and motivate a shopper to make a donation".

ARGUMENT B. Re. Claims 20, 24-39 and 43: The cited references fail to teach or suggest at least this feature of claim 20 (claim 20 (d) "to intelligently encourage and motivate shoppers to make charitable donation"). (p. 11, l. 1 – p. 12, l. 8).

RESPONSE B:

Note on interpretation of claim terms Unless a term is given a "clear definition" in the specification (MPEP § 2111.01), the examiner is obligated to give claims their broadest reasonable interpretation, in light of the specification, and consistent with the interpretation that those skilled in the art would reach (MPEP § 2111). An inventor may define specific terms used to describe invention, but must do so "with reasonable clarity, deliberateness, and precision" (MPEP § 2111.01.III). A "clear definition" must establish the metes and bounds of the terms. A

clear definition must unambiguously establish what is and what is not included. A clear definition is indicated by a section labeled definitions, or by the use of phrases such as “by xxx we mean”; “xxx is defined as”; or “xxx includes, ... but does not include ...”.

The instant application contains no such clear definition for the word “intelligent” or for the claimed phrase “to intelligently encourage and motivate shoppers to make a charitable donation”, the critical lack being any special definition for the words “intelligent” or “intelligently” for this claimed context. The specification contains virtually the same phrase as in the claim. In the instant case, the examiner is required to give the term “intelligently encourage and motivate” its broadest reasonable interpretation, which the examiner judges to be any activity which would bring the subject of donations to the mind of the shopper and thus force the shopper to make a decision using their intelligence, which could be the decision to ignore this stimulation and forego further consideration of a donation, or consider the subject and so forth. Those skilled in the art would recognize that any words or information or other visual or aural stimulation presented to the shopper by the web site about making charitable donations during an online shopping activity would require the application of intelligence on the part of the operators of the web site and would also serve to trigger use of intelligence by the shopper, thus reading on “to intelligently encourage and motivate shoppers to make a charitable donation”, in much the same fashion that online activities by interactive web site operators and online humans all requires the application of human intelligence.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 571-272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or faxed to:

(571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

January 9, 2006

FTon
FRANKY PONNILL
Patent Examiner
AU 3628